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OFFICE OF PETITIONS

In re Application of

Thomas C. Thompson

Application No. 09/690,657

Filed: March 2, 2001

Attorney Docket No.

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DECISION ON PETITION

This is a decision on the fourth renewed petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed July 31, 2008, and in supplement on September 18, 2008.

The fourth renewed petition is **granted**.

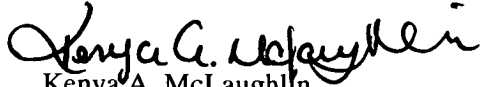
The application became abandoned on September 12, 2003, after no response was received to the Notice of Non-Compliant Amendment mailed August 11, 2003, which set a shortened period for reply of one-months from its mailing date. No response was received within the allowable period, and the application became abandoned on September 12, 2003. A Notice of Abandonment was mailed December 15, 2003.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as to prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. Petitioner docket records filed September 18, 2008, are contained in the Image File Wrapper for this application. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center 3600, GAU 3637 for further processing, including re-mailing of the Notice of Non-Compliant Amendment and resetting of the time period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions